

Appl. No. : 09/823,816
Filed : March 30, 2001

REMARKS

The pending claims have been deleted and replaced to more clearly recite the subject matter. Support for the amendment to the claims can be found in the application as filed. No new matter has been added herewith. Applicants would like to thank the Examiner for granting the Interview scheduled for Dec. 9, 2003.

Rejection under 35 U.S.C. §102(b)

Claims 1-7 were rejected by the Examiner as being anticipated by Dammond, U.S. Patent 3,665,628 (referred to herein as Dammond).

To be anticipatory under 35 U.S.C. § 102, a reference must teach each and every element of the claimed invention. *See Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379 (Fed. Cir. 1986). "Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. ...There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Dammond teaches only a single picture holder with upper and lower clamps which extend the length of the picture holder.

New independent Claim 22 recites a system having at least two picture display panels held together by at least one hinged double clip.

Thus, Dammond does not anticipate the presently claimed invention because Dammond does not teach all of the claimed elements. Dammond does not teach a system including a double clip as recited.

Therefore, removal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 8-10, 12, and 14-21 were rejected as being unpatentable over Dammond in view of Miller, U.S. Patent 4,010,517 (referred to herein as Miller).

The law is clear that three basic criteria must be met to establish a *prima facie* case of obviousness: (MPEP ¶2143):

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

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art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1440 (Fed. Cir. 1991)).

Dammond and Miller, alone or in combination, fail to teach all of the claimed elements of new independent Claim 22. As explained in the rejection under 35 U.S.C. §102(b), Dammond does not teach a system with at least two picture displaying panels and a hinged double clip as recited. Miller does not provide the missing elements because Miller teaches only bulletin boards or chalkboards for conventions which are composed of resilient foldable material which is folded and scored before being clamped (see column 2, lines 64-70 and Figures 5 and 8). Thus, Miller does not teach a system with a hinged double clip and the combination fails to provide each and every feature of the claims.

Thus, the presently claimed invention is not obvious in view of Dammond and Miller, because Dammond and Miller do not teach all of the claimed elements and Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 8-21 were rejected as being unpatentable over Dammond in view of Atkinson, U.S. Patent 1,313,778 (referred to herein as Atkinson).

However, Dammond and Atkinson, alone or in combination, fail to teach all of the claimed elements of independent Claim 22. As explained in the rejection under 35 U.S.C. §102(b), Dammond does not teach a system with at least two picture displaying panels and a hinged clip as recited. While Atkinson teaches various double-sided clips, there is no motivation in the art to combine the teachings of Atkinson in a frameless system where the clips are sized to accommodate edges of the overlay sections and an intervening picture without a frame.

Thus, the presently claimed invention is not obvious in view of Dammond and Atkinson, and Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

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Conclusion

Should there be any question concerning the above-identified patent application, the Examiner is respectfully requested to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

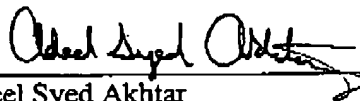
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

December 4, 2003

By: _____



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